

PROPOSED CONSTITUTIONAL AMENDMENTS

HOUSE JOINT RESOLUTIONS

H.J.R. No. 4

A JOINT RESOLUTION

proposing a constitutional amendment to authorize the exemption of property owned by institutions engaged primarily in public charitable functions from ad valorem taxation.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 2(a), Article VIII, Texas Constitution, is amended to read as follows:

(a) All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; solar or wind-powered energy devices; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions *engaged primarily in public charitable functions, which may conduct auxiliary activities to support those charitable functions* ~~(of purely public charity)~~; and all laws exempting property from taxation other than the property mentioned in this Section shall be null and void.

SECTION 2. Section 71(b), Article XVI, Texas Constitution, is amended to read as follows:

(b) The legislature by law may establish a Texas small business incubator fund to be used without further appropriation solely in furtherance of a program established by the legislature to foster and stimulate the development of small businesses in the state. The fund shall contain a project account, an interest and sinking account, and other accounts authorized by the legislature. A small business incubator operating under the program is exempt from ad valorem taxation in the same manner as an institution of ~~[purely]~~ public charity under Article VIII, Section 2, of this constitution. To carry out the program authorized by this subsection, the legislature may authorize loans and grants of money in the Texas small business incubator fund and the issuance of up to \$20 million of general obligation bonds to provide initial funding of the Texas small business incubator fund. The Texas small business incubator fund is composed of the proceeds of the bonds authorized by this subsection, loan repayments, and other amounts received by the state for loans or grants made under this subsection and any other amounts required to be deposited in the Texas small business incubator fund by the legislature.

SECTION 3. Article VIII, Texas Constitution, is amended by adding the following temporary provision:

TEMPORARY PROVISION. The constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, to authorize the exemption of property of institutions engaged primarily in public charitable functions from ad valorem taxation takes effect January 1, 2000, and applies only to taxes imposed on or after that date. This temporary provision expires January 1, 2002.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to authorize the legislature to exempt property owned by institutions engaged primarily in public charitable functions from ad valorem taxation."

Passed by the House on May 11, 1999: Yeas 144, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.J.R. No. 4 on May 27, 1999: Yeas 141, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 25, 1999: Yeas 30, Nays 0.

Filed with the Secretary of State May 31, 1999.

H.J.R. No. 16

A JOINT RESOLUTION

proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 28, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 28. No current wages for personal service shall ever be subject to garnishment, except for the enforcement of court-ordered:

- (1) child support payments; or
- (2) spousal maintenance.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing garnishment of wages for the enforcement of court-ordered spousal maintenance."

Passed by the House on May 7, 1999: Yeas 120, Nays 22, 1 present, not voting; passed by the Senate on May 19, 1999: Yeas 27, Nays 2.

Filed with the Secretary of State May 20, 1999.

H.J.R. No. 29

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide that certain state boards, commissions, or other agencies shall be governed by a board composed of an odd number of three or more members.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 30a, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 30a. The Legislature may provide by law that the ~~[members of the]~~ Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary,